

571—46.52 (321I) Designated riding areas.

46.52(1) Designated off-highway vehicle (OHV) riding areas shall be considered to be public land, available and open to the public to use and enjoy consistent with these rules.

46.52(2) The following areas are hereby established as designated riding areas:

- a.* Bluff Creek OHV Park, Mahaska County.
- b.* Lakeview OHV Park, Johnson County.
- c.* Gypsum City OHV Park, Webster County.
- d.* Nicholson-Ford OHV Park, Marshall County.
- e.* Rathbun OHV Park, Appanoose County.
- f.* River Valley OHV Park, Pottawattamie County.
- g.* Riverview OHV Park, Black Hawk County.
- h.* Tama County OHV Park, Tama County.

46.52(3) A local sponsor may request that the commission adopt the local sponsor's riding area as a designated riding area by contacting the chief of the department's law enforcement bureau in writing and providing information, as requested by the department, that demonstrates that the local sponsor's proposed designated riding area meets the minimum qualifications described in these rules. All studies or surveys required by these rules shall be at the local sponsor's expense. The department may require additional surveys or studies and conduct an on-site evaluation for each proposed designated riding area to determine whether the department should recommend that the commission adopt the proposed area as a designated riding area. The commission may adopt additional designated riding areas that meet the following minimum qualifications:

a. The site and plan for development and management is suitable for off-highway vehicle recreation. The department shall give greater consideration to sites that were previously disturbed areas, such as agricultural lands, mining operations, road surfaces or other intensive land uses that have resulted in the elimination of high-quality natural areas, native plant communities, critical habitats and cultural resources. Soil survey reports for the trail portions of the proposed designated riding area shall indicate the general soil classification of the riding areas and must indicate that those soils are of moderate risk or less for path or trail development.

b. There is demand for the proposed designated riding area. Consideration shall be given to nearby populations, distance to other OHV facilities, partnership possibilities and local support.

c. The local sponsor demonstrates a willingness and ability to maintain the proposed designated riding area consistent with these rules.

d. There is evidence that adjacent property owners, including those within the viewshed and within earshot of the proposed designated riding area, that exist at the time of establishment have been notified of the plan and their concerns have been addressed.

e. The proposed development and management of the proposed designated riding area comply with local, state or federal laws, including without limitation zoning ordinances and accommodation laws.

f. Any federal- or state-listed threatened or endangered species are identified and a plan to ensure that the development and management of the proposed designated riding area would not negatively impact those species is included.

g. Any cultural, historical or high-quality natural resources on the site are identified and a plan to ensure that the development and management of the proposed designated riding area would not negatively impact those resources is included. High-quality areas include those areas of high-quality native plant communities, highly restorable native plant communities or other areas which provide critical wildlife habitat. In addition, if a site contains fragments of high-quality areas, but has been determined by the commission as suitable for use as a designated riding area, the local sponsor shall include in the plan how it will protect and enhance those fragments.

46.52(4) Designated riding areas approved by the commission shall be subject to these rules and shall be managed according to the plan approved by the commission. Major modifications to the plan,

including expansions, must be approved by the commission for the designated riding area to continue to be a recognized designated riding area under these rules.

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